

Part 4

Claims Against the County

17-50-401 Review of claims by county executive -- Auditor review -- Attorney review -- Claim requirements -- Approval or disapproval of claim -- Written explanation of claim process.

- (1) Subject to Subsection (3), each county executive shall review each claim, as defined in Section 17-19a-102, against the county and disapprove or, if payment appears to the county executive to be just, lawful, and properly due and owing, approve the claim.
- (2) Upon receiving a notice of claim under Section 63G-7-401, the county clerk shall deliver the notice of claim to the county executive.
- (3)
 - (a) The county executive shall forward all claims regarding liability or attorney fees to the county attorney, or, in a county that has a district attorney but not a county attorney, to the district attorney for the attorney's review and recommendation to the county executive regarding liability and payment.
 - (b) Except as provided in Section 17-50-405, the county executive shall forward all claims requesting payment for goods or services to the county auditor for the auditor's review and recommendation, subject to Subsection (7), to the county executive.
- (4) Each claim for goods or services against a county shall:
 - (a) itemize the claim, giving applicable names, dates, and particular goods provided or services rendered;
 - (b) if the claim is for service of process, state the character of process served, upon whom served, the number of days engaged, and the number of miles traveled;
 - (c) be duly substantiated as to its correctness and as to the fact that it is justly due;
 - (d) if the claim is for materials furnished, state to whom the materials were furnished, by whom ordered, and the quantity and price agreed upon; and
 - (e) be presented to the county executive within a year after the last item of the account or credit accrued.
- (5) If the county executive refuses to hear or consider a claim because it is not properly made out, the county executive shall cause notice of the refusal to be given to the claimant or the claimant's agent and shall allow a reasonable amount of time for the claim to be properly itemized and substantiated.
- (6) Each county shall prepare and make available to a person submitting or intending to submit a claim under this part a written explanation, in simple and easy to understand language, of how to submit a claim to the county and of the county's process for receiving, reviewing, and deciding a claim.
- (7) Upon receiving a claim in accordance with Subsection (3)(b), the county auditor shall:
 - (a)
 - (i) investigate, examine, review, and inspect the claim; and
 - (ii)
 - (A) recommend that the county executive approve or reject the claim; and
 - (B) endorse the recommendation;
 - (b) after completing the investigation, examination, and inspection, report the claim and the recommendation described in Subsection (7)(a)(ii) to the county executive; and
 - (c) keep a complete record of the claim, the claim recommendation, the reasons for the recommendation, and the county executive's final action as described in Subsection (8).

- (8) After receiving the county or district attorney's recommendation in accordance with Subsection (3)(a), or the county auditor's recommendation in accordance with Subsection (3)(b), the county executive shall decide whether to approve or reject a claim.
- (9)
 - (a) The county auditor shall pay, subject to Subsection (9)(b), a claim approved by the county executive in accordance with Subsection (8) by:
 - (i) a warrant drawn by the auditor on the county treasurer in favor of the person entitled to payment; or
 - (ii) a county check or other payment mechanism as may be adopted in accordance with Chapter 36, Uniform Fiscal Procedures Act for Counties.
 - (b) The county auditor may not pay a claim against the county unless:
 - (i) the auditor:
 - (A) receives from the county executive a certified list described in Subsection 17-20-1.7(4); and
 - (B) has complied with the recommendation and other requirements of Subsection (7); and
 - (ii) the county executive has approved the claim in accordance with Subsection (8).
- (10) Nothing in this section may be construed to modify the requirements of Section 63G-7-401.

Amended by Chapter 17, 2012 General Session

17-50-402 Payment or rejection of claims.

- (1) If the county executive finds that any claim presented is not payable by the county or is not a proper county charge, the county executive shall reject the claim.
- (2)
 - (a) If the claim is found to be a proper county charge, but greater in amount than is justly due, the county executive may allow the claim in part and may order a warrant drawn for the portion allowed.
 - (b) If the claimant is unwilling to receive the amount in full payment, the county executive may again consider the claim.
- (3) No claim may be paid if paying the claim would exceed the current unencumbered funds.

Amended by Chapter 241, 2001 General Session

17-50-403 Action on rejected claim -- Limitation.

- (1) A claimant dissatisfied with the rejection of a claim or demand or with the amount allowed on an account may sue the county on the claim, demand, or account at any time within one year after the first rejection of the claim, demand, or account by the county executive, but not afterward.
- (2) If in such action judgment is recovered for more than the county executive allowed, costs shall be taxed against the county, but if no more is recovered than the county executive allowed, costs shall be taxed against the plaintiff.
- (3) On presentation of a certified copy of a judgment against the county, the county executive shall allow and pay the same.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-404 Judgments against county -- Payment.

- (1) If a judgment is obtained against a county, it shall be paid as are other county charges.

- (2) The county legislative body shall levy and authorize the collection of a sufficient amount of revenue to pay off and discharge such judgment in addition to the ordinary expenses of the county, but the property of the county and of the persons owning property situated or liable to taxation in the county may not be liable to judgment lien or to seizure or sale upon execution or other process of any court.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-405 County legislative body claim for expenses -- County attorney's opinion of legality.

- (1) Each claim against the county presented by a member of the county legislative body for the member's expenses shall:
 - (a) be itemized and verified as other claims;
 - (b) state that the service has been actually rendered; and
 - (c) be presented to the county attorney or, in a county that has a district attorney but not a county attorney, the district attorney.
- (2)
 - (a) The county or district attorney, as the case may be, shall endorse on the claim, in writing, the attorney's opinion as to its legality.
 - (b) If the attorney declares the claim illegal, the attorney shall state specifically the reasons why it is illegal, and the county executive shall reject the claim.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-406 Officers not to advocate claims -- Right to oppose claims.

- (1) No county officer may, except for the officer's own services, present any claim, account, or demand for allowance against the county or in any way advocate the relief asked in the claim or demand made by any other person.
- (2) Notwithstanding Subsection (1), a county officer may forward to the county executive a claim made by another and may endorse on the claim the officer's recommendation to the county executive regarding payment of the claim.
- (3) Any person may appear before the county executive and oppose the allowance of any claim or demand made against the county.

Renumbered and Amended by Chapter 133, 2000 General Session